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# MONTANA human Rights Commission

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## MONTANA WOMEN AND THE LAW

The Human Rights Division and the Montana Womens Bureau are co-sponsoring a series of public meetings in six communities throughout Montana this spring. The gatherings are funded in part by the Montana Committee for the Humanities through a grant from the National Endowment for the Humanities and through funds supplied by the Human Rights Division.

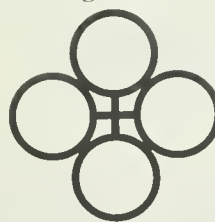
The series is titled "Montana Women and the Law" from the Humanities theme, "Public Rights and Private Choices." The schedule includes meetings in Kalispell April 27, Dillon May 12, Harlowtown May 10, Glasgow May 18, Sidney May 19, and Forsyth May 20.

"Montana Women and the Law" is aimed at assisting all Montanans in knowing and understanding state laws. Emphasis will be placed on new state laws of concern to women, such as the Human

Rights Act of 1974 (as amended), Maternity Leave bill, adoption and divorce laws and a discussion of the Uniform Probate Code.

A summary of the information given at the public meetings will be available in a 64-page booklet written by Eleanor Parker, attorney. The booklet is available upon request from the Womens Bureau, Power Block, South Annex, Room 2, Helena, Montana 59601.

Each session will feature a moderator from the community, a humanist from an area college or university, and a representative of the Human Rights Division. Discussion will follow each panel. Joan Duncan, Women's Bureau Chief, described the meetings as "part of a continuing effort to acquaint outlying areas with the work of state agencies."



**MONTANA HUMAN RIGHTS COMMISSION  
SCHEDULES PUBLIC MEETINGS THE  
SECOND FRIDAY OF EVERY  
OTHER MONTH.**

**IN JULY THE MEETING WILL BE HELD  
ON FRIDAY, JULY 9, IN HELENA  
contact the Human Rights Division  
for information — 449-2884**

## Governor congratulates Human Rights Commission



Dear Montanans:

Congratulations to the Human Rights Commission on its first quarterly newsletter. In a state as vast as Montana, this publication will effectively inform our citizens of human rights issues. The area of human rights must be a concern of all Montanans since it involves the protection of our most valuable resource—our people. This has long been a priority of my administration.

The Commission's staff, the Human Rights Bureau has been changed to the Human Rights Division attached to the Department of Labor and Industry for administrative purposes. From this position in state government the Human Rights Division can more effectively enforce the Human Rights Act of 1974, as amended, and the Montana Code of Fair Practices Act.

I extend my personal best wishes and thanks to Chairperson Elsie McGarvey, and Commissioners David Fuller, Phil Roy, Dee Storm, and Lee Topash for their important volunteer work.

Sincerely,

THOMAS L. JUDGE, Governor



**From the Desk of  
Elsie McGarvey  
Commission Chairperson**



The greatest asset in our work is the generosity of Montana people. Bitter divisions encountered by Human Rights bureaus in other areas are not common. Our sparsely settled state still values neighborliness; and the frontier ethic which honors the individual, not his background, remains. Witnesses give information unbiased by considerations of class or race. Most of our cases are settled relatively amicably, without hearing.

I am, nevertheless, concerned about our ultimate success. There is a contradiction in the idea of a government agency, responsive to the majority of the people, acting as an agent of the dispossessed. Adding to this problem are the expectations of many that the Human Rights Division will end discrimination through aggressive affirmative action programs. While such actions are sometimes necessary, I am convinced that even if resources were available to effect such a policy, it would, in fact, institutionalize and define discrimination rather than end it. Most discrimination in Montana is

caused, not by malice, but by the fact that it is convenient, efficient, and comfortable. Attempts to change the status quo are resented and resisted.

My greatest fear is that the Human Rights Division will become an agency which regulates discrimination instead of fighting it. The commission should be continually aware of this possibility as policy issues arise. The judicial function should be emphasized as well as the complementary duty of informing and educating the public about the law.

The hard fact—the unjust fact—is that, in the end, the only ones who can end discrimination are those who are discriminated against. Those who would aid their cause will do so best, not by attempting to grant long withheld rights, but by joining them in common cause. To this end the Human Rights Commission has adopted rules which make it as easy as possible for individuals and groups representing individuals to present their case.

I hope readers will help by telling others about the Human Rights Division and assisting them as much as possible. In turn, we will work to keep the division an advocate for those being discriminated against and to emphasize the judicial rather than the regulatory role of the commission.



**From Raymond D. Brown**



Raymond D. Brown, Administrator

The Human Rights Division is a relatively new part of State Government. It came into being as a result of legislation passed in 1974. After some initial growing pains we are on the way to becoming an effective mechanism towards the eradication of discrimination within the State of Montana. It is not going to be an easy struggle, nor will it be accomplished overnight. The discriminatory practices, both towards individuals and groups, are deeply inbred, often subtle, and sometimes blatant. It is the responsibility of the Human Rights Division, as entrusted to us by legislative action, to insure that all persons within the State have equal opportunity not only in employment, but in housing and other matters that affect their daily lives. If one person is discriminated against, we all suffer, for that person's talents have been lost.

Much has been said in this two hundredth anniversary of our  
(continued page 3)

**Meet your Montana Human Rights Commission**



FROM LEFT TO RIGHT: Phil Roy from Browning; Delores Storm from Glendive; David Fuller from Helena; Elsie McGarvey, Chairperson, from Kalispell and Lee Topash from Helena.

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620 Power Block  
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## "Affirmative Action Now" - Workshop



The Human Rights Commission sponsored a training workshop February 25-27 titled "Affirmative Action Now." The three day course was conducted by the International Association of Official Human Rights Agencies (IAOHRA) of Washington, D.C. Those invited to participate included all state department Equal Employment Opportunity (EEO) Officers, Comprehensive Employment and Training Administration (CETA) subgrantee EEO Officers, Affirmative Action Officers of state and private colleges and universities and state EEO Bureau and Human Rights Division staffs.

Topics covered included the history of EEO laws, reviewing personnel practices and policies as well as the components of an effective Affirmative Action Plan. Many of the participants had direct responsibility for writing their agency Affirmative Action Plan and this session provided their only formal Affirmative Action Training.

IAOHRA trainers are available to member agencies who request technical assistance. The February workshop was conducted by Paul Lyons, president of EEO Services, Inc., Washington, D.C., John Davis, attorney and former EEOC project director and Kathy Sayer, IAOHRA staff person and assistant project director.

Lyons, enjoying his first visit to Montana, offered encouragement to the newly appointed EEO Officers. Lyons felt that Montana as a whole was moving forward by requiring written Affirmative Action plans of its state departments. He saw the task as important and was encouraged by the interest of those attending the workshop.

### Raymond D. Brown (continued)

nation's founding about freedom and independence. Until all persons truly have freedom and are no longer subject to discrimination, none of us will be truly free. The Human Rights Division of the State of Montana is committed to that goal. In the process, we may make some errors; we hope to have many successes. We need your help, your support, and your comments. **Case Report**

As of March 31, the Human Rights Commission of the State of Montana has received 232 complaints for fiscal year 1975 and fiscal year 1976. For the total fiscal year '75, 102 complaints were received. Through 1976, 130 complaints were received in fiscal '76. If the current rate of complaints continues, we are anticipating more than 180 complaints this year. 180 complaints have been in the area of employment, with training and

education following - 18, housing - 16, and government services - 12. 121 complaints were based on sex discrimination, 47 on race discrimination, 30 on age discrimination and 22 on physical/mental handicap. The remaining complaints have been scattered in other areas. For the same report period 81 cases were under investigation, 64 cases have been found no cause, 25 have been conciliated, 13 cases no jurisdiction, 16 cases withdrawn, 13 cases under conciliation. We have had one hearing. The remaining cases are in various stages of administrative procedure. In following newsletters, we shall have a statistical chart with explanation of area, cause, and position finding as well as a brief summary of some conciliated cases.

A brief synopsis of several cases follows. Names and identities of respondents involved have been eliminated because of the confiden-

tiality rule found in the Montana Administrative Code under which the Human Rights Division operates.

**Sex Discrimination:** A case involving a woman in the area of employment. The woman in question worked in a retail dry goods store and was harassed and embarrassed by a supervisor. When the woman in question did not respond to the "advances" of the supervisor she was dismissed. The Human Rights Division found probable cause in this complaint which resulted in a cash payment to the woman in question of two weeks severance pay as well as a letter of reprimand to the supervisor in question.

**Sex discrimination in the area of employment:** A woman was informed by a corporation within the state that they could not hire for any position because her husband-to-be was not working, nor would they hire her until he was working. This was a standard applied differently to males and females and therefore the Human Rights Commission found probable cause in this complaint. The Division conciliated this complaint and an award of \$500.00 was made.

**Sex discrimination in the area of employment:** A woman applied for a job as a janitor but was informed that it would "be impossible to clean the men's restroom because of embarrassing situations." Different standards were applied as men do clean women's restrooms and there are no problems. The woman was fully qualified. The Human Rights Division found probable cause of discrimination and the woman was paid back pay in the amount of \$831.25.

**Sex discrimination in the area of employment:** A woman complained that she was discriminated against by a company because of pregnancy. After investigation, the Division determined that probable cause did exist. The company agreed to pay \$720.00 plus necessary deductions and full compensation for all lost wages related to the alleged complaint.

The above cases represent conciliation efforts of the Division. These are not all the cases, but they do give an indication of what we have done. In coming newsletters, similar cases will be reported.

## STAFF FOCUS



### Rosemary Zion, Attorney-at-Law

Rosemary Zion came to the Big Sky Country in June of 1973, bringing with her a strong interest in Human Rights and numerous years of experience. She received a Bachelors Degree in history from Trinity College in Washington, D.C., a Masters Degree from Johns Hopkins University in Baltimore, Maryland, and her Law Degree from the University of Connecticut School of Law in 1972. While she was attending law school she assisted her husband, who is also an attorney, in working with the Hartford Neighborhood Legal Services for four years.

Rosemary's interest in Human Rights Law is consistant with things she had been working with since college. At one point in her active career she spent a summer in Brazil where she became aware that the poverty in that area made poverty in the United States look flush. She made comment that perhaps the closest thing the United States had to that type of poverty was the poverty on Indian Reservations.

She also spent some time with the NAACP Legal Defense Funds and this resulted in her experience with the Poor Peoples Campaign. This was the first time that she viewed law as an instrument to accomplish positive goals for real people. She was a member of CORE and helped pack the gallery during the filibuster of the Civil Rights Act of 1964.

She and her husband decided to leave Connecticut for numerous reasons, mainly because Connecticut was overflowing with people volunteering to do human rights, civil rights type of work. They soon found that they were repeating concerns of other people, and in Montana they felt that they would have some thing to add.

Upon entering Montana, Rosemary was employed as staff attorney by the Montana Legislative Council. In June of 1974 she left that position to take a position on the staff of the College of Great Falls as assistant professor of Sociology and Criminal Justice Administration.

In January of 1975, the Human Rights Division welcomed Rosemary as staff attorney. She and her husband reside in Cascade, halfway between their respective duties. Rosemary would like to build a Human Rights Tradition into the fabric of Montana through competence and sensitivity.

### "Emerging Role of the native American Women in Montana"

On March 9th and 10th, 1976, the Montana Affiliate of the North American Indian Women's Association and the Montana Women's Bureau held a conference in Helena, Montana. The conference was sponsored in part by the Montana Committee for the Humanities and the National Endowment for the Humanities.

The First Lady of Montana, Carol Judge, welcomed the approximately 150 participants and expressed best wishes for a successful conference.

The two day conference consisted of seven panels made up of Montana Native Americans who are active participants in school boards, Tribal Councils, Native American Studies at local colleges and universities, etc.

The topics of these panels included: Problems and Issues of the Off-Reservation Indian Woman; Current Health Concerns of the Native American Woman; Involvement of the Indian Woman in Community and Tribal Government; Employment Problems Facing the Native American Woman; Current Issues in Indian Education; Future Roles, and Montana Women in the Law.

The panel on Montana Women in the Law included representation from the Human Rights Division. Jeanne Yellowtail, Compliance Officer for the Human Rights Division, gave a presentation on the process of filing a complaint of discrimination and the overall procedures involved.



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